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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,255	03/09/2004	William A. Landi	2003P03684US01	2389

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

NGUYEN, MERILYN P

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/796,255	Applicant(s) LANDI ET AL.	
	Examiner Merilyn P. Nguyen	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/10/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-30 and 32-41 is/are rejected.
- 7) ☒ Claim(s) 11 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the communication dated 01/10/2008, claims 1-41 are pending in this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-10, 15-21, 23-30, and 34-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruschi (US 2004/0172293).

As per claims 1 and 21, Bruschi teaches "obtaining a patient data record of a patient which includes patient identifying information" (see Abstract and paragraphs [0044]); "removing the patient identifying information in the patient data record to generate a de-identified data record" (see paragraph [0045]), "generating an encrypted ID for the patient, wherein the encrypted ID comprises an encrypted representation of one or more items of patient identifying information" (See paragraph [0046]); and "storing the encrypted ID with or in the de-identified data record" (See paragraph [0048]).

As per claims 3, 5, 23 and 25, Bruschi teaches "securely maintaining a decryption key, which can be accessed by an authorized entity to decrypt the encrypted ID in the de-

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identified data record to re-identify the patient" (see paragraphs [0041], [0046] and [0056]).

As per claims 4 and 24, Bruschi teaches wherein the decryption key is a private key that is associated with the public key for encryption (see paragraph [0041]).

As per claims 6 and 26, Bruschi teaches "wherein the step of removing the patient identifying information in the patient data record to generate a de-identified data record is performed in compliance with a Safe Harbor rule or Limited Data set Rule of HIPAA" (see paragraph [0035], Bruschi et al.).

As per claims 7, 9, 27 and 29, Bruschi teaches wherein the step of removing the patient identifying information in the patient data record includes automatically removing patient identifying information from a structured/unstructured data record (See paragraph [0045], Bruschi et al.).

As per claims 8 and 28, Bruschi discloses removing data elements that contain the patient identifying information (See paragraph [0045]).

As per claims 10 and 30, Bruschi/Hagan teaches wherein the steps of automatically removing patient identifying information from an unstructured data records comprises locating a text string in the unstructured data records that includes patient

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identifying information, and removing the text string from the unstructured data record (See paragraph [0045], Bruschi et al.).

As per claims 15 and 34, Bruschi/Hagan teaches "mapping the encrypted ID to a Study ID that comprises an arbitrary human readable ID which contains no patient identifying information; and generating a data structure that includes the mapping" (see paragraph [0049-0050])

As per claims 16 and 35, Bruschi teaches "mapping the Study ID to one or more replacement strings that can be used to replace de-identified data in the de-identified data record (see paragraph [0047]).

As per claim 17, Bruschi teaches making the data structure publicly accessible (See paragraph [0049]).

As per claim 18, Bruschi teaches using the encrypted ID or corresponding Study ID to recognize a subject patient of patient data records collected at different times (See paragraph [0050]).

As per claim 19, Bruschi teaches "wherein the method is implemented for sharing patient data for purposes of research" (see paragraph [0049], Bruschi et al.).

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As per claim 20, Bruschi/Hagan teaches "wherein the method is implemented for sharing patient data for purposes of central monitoring for natural or human induced disease outbreaks" (see paragraph [0010], Bruschi et al.).

As per claim 36-39, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1, 3 and are similarly.

As per claims 40-41, the claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-5 and is similarly rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruschi (US 2004/0172293), in view of Nagel (US 7,181,017).

As per claims 2 and 22, Bruschi disclose all the claimed subject matter as set forth above; Bruschi further discloses encryption key (See paragraph [0056], Bruschi et al.); however, Bruschi is silent as to encrypting the one or more items of patient identifying information using a public key. On the other hand, Nagel teaches encrypting patient identifying information using a public key (see col. 22, line 64 to col. 24 line 24, Nagel et

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al.). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to encrypting patient identifying information using a public key as suggested by Nagel. The motivation would have been to allow an additional or substitute layer of security to sensitive patient identifying information (See col. 22, lines 66-67).

4. Claims 12-14 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruschi (US 2004/0172293), in view of Jordan (US 6,823,203).

As per claims 12 and 32, Bruschi disclose all the claimed subject matter as set forth above; Bruschi is silent as to disclose automatically removing patient information from an image. On the other hand, Jordan teaches automatically removing patient information from an image (See Figures 6 and 7 and col. 8, line 61 to col. 9, line 61, Jordan et al.). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to automatically removing patient information from an image as suggested by Jordan. The motivation would have been to protect patient confidentiality and to remove only patient specific identifiers from images so that to enable the exported images to be used for educational purposes and public presentations (See col. 1, lines 58-63, Jordan et al.).

As per claims 13 and 33, Bruschi/Jordan discloses removing patient identifier information contained in structured fields (See Figures 6B-6D, Jordan et al.).

As per claim 14, Bruschi/Jordan discloses "manually identifying burned-in patient identifying information within an image and automatically blanking the identified patient

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identifying information" (see Figures 6C-6D, Jordan et al.).

Allowable Subject Matter

5. Claims 11 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 571-272-4026.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

MN

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/don wong/

Supervisory Patent Examiner, Art Unit 2163